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The uncertain future of the inter-American human rights system

The future of the inter-American human rights system was left uncertain at the end of the 42nd ordinary session of the General Assembly of the Organization of American States (OAS) in Cochabamba, Bolivia, on 5 June.

The atmosphere at the General Assembly was hostile, with unprecedented virulent and gratuitous attacks being made against the inter-American human rights system, especially the Inter-American Commission on Human Rights, as well as civil society organizations, in particular human rights organizations.

While some States defended the basic principles of autonomy and independence of the Inter-American Commission on Human Rights, others were intent on rejecting these principles or putting forth arguments that would restrict those principles in practice. This was accompanied by serious accusations against institutions and members of the inter-American human rights system, its Executive-Secretariat and leaders of human rights organizations.

Within this context a consensus agreement was reached which, though preventing the General Assembly from adopting the most radical measures that had been proposed in the months leading up to it, in reality only postponed that eventuality in that the Permanent Council of the OAS was instructed to “draw up proposals in dialogue with all the parties involved”.

Of particular concern is the timeframe that the General Assembly has given the Permanent Council – six months or no later than the first quarter of 2013 - which will result in presenting the proposals to a Special Session of the General Assembly. In such a short timeframe, the chances of a genuine and successful dialogue with all the parties involved are quite limited. The Inter-American Commission on Human Rights is an organ that does not operate on a permanent basis and thus its ability to craft proposals or react to the issues under discussion could be jeopardized. Similarly, civil society organizations, with their scarce resources, may have limited opportunities to participate actively in a dialogue, the details of which have yet to be determined.

The need to step up efforts to preserve the autonomy and independence of the inter-American human rights system, and especially the Inter-American Commission on Human Rights, is now more pressing than ever. Given these concerns, Amnesty International is launching a new appeal to defend what the President of the Commission, José de Jesús Orozco, called in a speech to the General Assembly “the legacy that the States, civil society, and the inter-American bodies themselves have built so that current and future generations throughout the hemisphere can enjoy their human rights”.

As far as the Inter-American Commission on Human Rights is concerned, any reform that affects its operation should take place as a result of a genuine constructive dialogue with all the actors involved and, in particular, with the active participation of the Inter-American Commission itself. Exercising its autonomy and independence, the Inter-American Commission should consider and apply reform measures that strengthen the system and contribute to building greater and more effective human rights promotion and protection in the Americas.

Amnesty International hopes that the reason behind the creation of the inter-American system five decades ago is not lost in the midst of discussions around the future of such an important regional asset,. Member States of the OAS created this human rights system to ensure that people have access to a supranational body when they are unable to obtain justice and reparation for human rights violations under domestic justice systems, recognizing the challenges that exist when guaranteeing these rights at the domestic level.

Through its bodies – the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights – the system forms a crucial complementary element to the protection provided by national bodies in the Americas. Over the years, thousands of victims and their families throughout the continent have found the organs of the inter-American system to be the only means for them to secure justice when they have been denied it at national level.